SECRET

CSI-0042/95
27 June 1995

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Executive Director
General Counsel

FROM: Brian Latell
Director, Center for the Study of Intelligence

SUBJECT: JFK Review Board Actions on CIA Records

REFERENCE: Letter to DCI fr Executive Director, ARRB dtd 21 June, 1995, Same Subject

1. Action Requested. That you disapprove the DO recommendation for you to sign the attached letter to the President. The letter recommends that the President postpone the release by the JFK Assassination Records Review Board (ARRB) of the names of two CIA employees who retired under cover. (C)

2. Background. On 7 June 1995, the ARRB made a formal determination to release in full to the National Archives 16 CIA documents from Lee Harvey Oswald's 201 file. The President John F. Kennedy Assassination Records Collection Act of 1992 stipulates that the President has 30 days after written notification of such determinations to either request the disclosure or postponement of disclosure of documents. Appeals procedures also require that the Agency advise the White House Counsel within seven days of notification of Board actions, if we wish to appeal. The Agency was notified on 21 June 1995 (see reference). OGC will unofficially notify White House Counsel within the seven-day period of the DO objection to release. (U)

3. This Center has worked closely with the Board and its staff and has declassified about 220,000 pages of Agency records that have been sent to the National Archives. A large percentage contain redactions, however, and it is those excisions that are now being systematically reviewed by the Board which has full access to the unredacted records. The Board will meet more or less monthly and is likely to press for lifting a significant percentage of CIA's redactions. The pending determination is the first taken by the Board involving Agency records. (U)

CL BY: 195387
DECL: OADR

SECRET

SUBJECT: JFK Review Board Actions on CIA Records

4. The DO Position: The Acting Deputy Director for Operations reluctantly acquiesces to the release in full of the 16 documents with the exception of two that contain the names of two Agency employees who retired in covert status. The DO argues that acknowledging these officers could expose them to physical danger, possibly threaten past operations and individuals with whom they worked, and abrogate our agreement to protect their identities. The two documents (#104-10015-10052 and #104-1005-10153) and the DO's argument for the continued protection of the two former employees are attached. (S)

5 CSI Position: After consultation with OGC, we do not believe the DO's damage argument would merit Presidential reversal of the Board's decision. The Board's staff has advised that in the absence of "clear and convincing evidence" of a threat to the personal safety of a retired officer if his or her employment were revealed, the Board does not believe the JFK Act permits withholding names. The DO does not cite evidence that the two officers would be in physical danger. Furthermore, OGC advises that the DO's current policy of liberally rolling back cover for career covert officers who ask to be retired overt would seriously undermine the credibility of such an appeal. (S)

6. Recommendation: That you not appeal the JFK Board's decision to the President and thus that you disapprove the DO's recommendation. (U)

Brian Latell

Brian Latell

Attachments:
A. Documents 104-10015-10052 and 104-1005-10153
B. DO Document

DISAPPROVED:

Director of Central Intelligence   Date

SUBJECT: JFK Review Board Actions on CIA Records

DCI/CSI/BLatell:aw/30214 (27 June 95)

Distribution:
  Original - Addressee (w/atts)
  1 - DDCI (w/atts)
  1 - ExDir (w/atts)
  1 - Executive Registry (w/atts)
  1 - Executive Secretariat (w/atts)
  1 - General Counsel (w/atts)
  1 - ADDO (w/atts)
  1 - D/CSI (w/atts)
  1 - C/HRG/CSI (w/atts)
  1 - C/HS/CSI (w/atts)
  1 - CSI file (w/atts)
  1 - CSI chrono (w/atts)

SECRET

Central Intelligence Agency

Washington, D.C. 20505

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Under the "President John F. Kennedy Assassination Records Collection Act of 1992," this agency has been reviewing and forwarding to the National Archives all of its records relating to the assassination of President Kennedy. As a part of that process, those records and specific information within records which were determined to require continuing protection were postponed from release under the guidelines of the Act.

The Assassination Records Review Board appointed by you is responsible for reviewing the postponed materials not only of this agency, but all government departments involved in this effort. The Board then makes a determination that a particular postponement was justified under the Act or that it was not. If the latter occurs, the agency then has thirty days in which to present its case to you and ask you to concur in the continued postponement.

We are now at the point where the Board has made a determination to release the names of two former Agency officers who served in a covert status during their Agency careers in a number of overseas posts. The position of the Acting Deputy Director of Operations and one in which I concur, is that release of these two names would do harm to the Agency and its operations and, postponement is proper under the Act. In addition, the revelation of these two names would not add to public understanding of assassination issues in any substantial way. Thus, I recommend that you direct the continued postponement of the two names.

On behalf of the Agency, I thank you for your consideration of this request.

Sincerely,

John Deutch
Director of Central Intelligence

Enclosure

Unclassified When Separated
From Enclosure

SECRET

The President

DCI/CSI/HRG/BHarrelson:pn/x30210 (27 Jun 95)

Distribution:
Original - Addressee (w/enc)
1 - DCI (w/enc)
1 - DDCI (w/enc)
1 - ExDir (w/enc)
1 - Executive Secretariat (w/enc)
1 - Executive Registry (w/enc)
1 - General Counsel (w/enc)
1 - ADDO (w/enc)
1 - D/CSI (w/enc)
1 - C/HRG/CSI (w/enc)
1 - C/HS/CSI (w/enc)
1 - CSI file (w/enc)
1 - CSI chrono (w/enc)

SECRET

26 June 1995

MEMORANDUM FOR: L. Kay Oliver
Brian Latell

FROM: William H. McNair
DO/IRO

SUBJECT: JFK Information Release

Per SA to ADDO, please consider this as the official DDO response and include it in your memo.

The DDO reluctantly acquiesces to release of documents cited in ARRB Memo of 21 June 1995 with the following exceptions:

Document No. 104-10015-10052, CIA Cable, DIR 74673: C. Bustos, originated the cable and testified about it using her pseudo. She retired in a covert status and resides in the United States. Release of her name as a CIA employee will damage cover credibility, expose her to the public as a CIA employee subject to any physical threats which might ensue, and abrogate our agreement with her as to our willingness to protect her identify in return for her willingness to engage in clandestine operations on behalf of the CIA. We would also point out that she was later assigned in several overseas locations including Mexico City and a posting as COS in Trinidad. Exposure of her as a CIA employee would also endanger any operations in which she might have been engaged. Substitution of her pseudo in lieu of true name would allow the identification of a person yet protect the persona itself.

Document No. 104-10015-10153, CIA Cable, DIR 85039: R.W. Herbert was chief of WH Div at the time and signed off on this cable as authenticating officer. He was an "integrated State Officer" who retired in a cover status. His present residence is unknown but his overseas assignments as an U.S. State Department officer would be compromised by exposure of him as a CIA officer. It is believed that exposing him as a CIA officer would not only endanger his operations and those associated with the operations, but would also place him in physical danger in that his field of operations involved anti-Cuban operations.

SECRET